UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
FADOK, MARK A

ART UNIT	PAPER NUMBER
3625	

DATE MAILED: 05/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)
Office Action Summary		09/318,447	HARTMAN ET AL.
		Examiner	**Art Unit**	
		Mark Fadok	3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 March 2004*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *108-183* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *108-183* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *24 December 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date *20,23*.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____ .

U.S. Patent and Trademark Office

PTOL-326 (Rev. 1-04)   Office Action Summary   Part of Paper No./Mail Date 26

DETAILED ACTION

Response to Amendment

The examiner is in receipt of applicants response to office action mailed 3/18/2003, which was received in paper numbers 19,and 25. Acknowledgement is made to addition of claim 166, which was inadvertently omitted when claims 108-183 were introduced. No amendments were made to the existing claims leaving claims 108-183 as pending in the application. The applicant's arguments in regards to the USC 112 rejection, and the 1.105 reply were convincing and therefore those rejections were removed. The remainder of the arguments concerning the Double Patenting and rejection on the merit were convincing, however after further consideration a new grounds of rejection is offered below. The applicant also questioned the substitute specification that was noted as being entered in the last office action. This was not a substitute specification, but a copy of the original specification received from the applicant. The substitute specification has not been entered.

Examiner's Note

Examiner has cited particular columns and line numbers or figures in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part

of the claimed invention, as well as the context of the passage as taught by the prior art
or disclosed by the examiner.

Specification

The amendments filed 7/15/2002, 12/24/2002 and 8/19/2003 are objected to
under 35 U.S.C. 132 because they introduce new matter into the disclosure. 35
U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of
the invention. The added material which is not supported by the original disclosure is as
follows: Although FIG 1 item 102 discloses the functionality of canceling an order, this
functionality is only for the otherwise old and well known shopping cart technology
which has notoriously contained the ability to cancel parts or all of an order at a later
time. The functionality of canceling an order is in no way discloses in relation to the 1-
click except that the alternative conventional shopping cart can be displayed on the
same web page. As is quite well known in the art, multiple items of functionality can be
displayed on the same web page and actuated independently without being related
except that they are both displayed on the same web page.

Applicant is required to cancel the new matter in the reply to this Office Action
(refer to at least claims 124, 138, 140, 157,166,168, 169).

Reference to Priority

It is noted that this application appears to claim subject matter disclosed in prior

Application No. 08/928,951, filed September 12, 1997, now Patent 5,960,411. A

reference to the prior application must be inserted as the first sentence of the

specification of this application or in an application data sheet (37 CFR 1.76), if

applicant intends to rely on the filing date of the prior application under 35 U.S.C. 119(e)

or 120. See 37 CFR 1.78(a). For benefit claims under 35 U.S.C. 120, the reference

must include the relationship (i.e., continuation, divisional, or continuation-in-part) of all

nonprovisional applications. Also, the current status of all nonprovisional parent

applications referenced should be included.

If the application is a utility or plant application filed under 35 U.S.C. 111(a) on or

after November 29, 2000, the specific reference to the prior application must be

submitted during the pendency of the application and within the later of four months

from the actual filing date of the application or sixteen months from the filing date of the

prior application. If the application is a utility or plant application which entered the

national stage from an international application filed on or after November 29, 2000,

after compliance with 35 U.S.C. 371, the specific reference must be submitted during

the pendency of the application and within the later of four months from the date on

which the national stage commenced under 35 U.S.C. 371(b) or (f) or sixteen months

from the filing date of the prior application. See 37 CFR 1.78(a)(2)(ii) and (a)(5)(ii). This

time period is not extendable and a failure to submit the reference required by 35 U.S.C.

119(e) and/or 120, where applicable, within this time period is considered a waiver of

any benefit of such prior application(s) under 35 U.S.C. 119(e), 120, 121 and 365(c). A

priority claim filed after the required time period may be accepted if it is accompanied by

a grantable petition to accept an unintentionally delayed claim for priority under 35

U.S.C. 119(e), 120, 121 and 365(c). The petition must be accompanied by (1) the

reference required by 35 U.S.C. 120 or 119(e) and 37 CFR 1.78(a)(2) or (a)(5) to the

prior application (unless previously submitted), (2) a surcharge under 37 CFR 1.17(t),

and (3) a statement that the entire delay between the date the claim was due under 37

CFR 1.78(a)(2) or (a)(5) and the date the claim was filed was unintentional. The

Director may require additional information where there is a question whether the delay

was unintentional. The petition should be addressed to: Mail Stop Petition,

Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 108-183 are rejected under the judicially created doctrine of obviousness-type

double patenting as being unpatentable over claims 1-26 of U.S. Patent No. 5,960,441

in view of Webber, Jr. (6,167,378). The claims of Patent "411" teach placing single

action orders over an electronic network and the other claimed features of the instant

application, but does not specifically mention that the orders are combined. Webber, Jr.

teaches a method and system for consolidating orders after orders have been placed by

the user (col 10, lines 40-45). It would have been obvious to a person having ordinary

skill in the art at the time of the invention to include in the "411" Patented claims, the

consolidation capability as taught by Webber, Jr., because this would facilitate

increased optimization by better controlling inventory and shipping costs. The claims of

Patent "411" and Webber Jr. further do not teach all the time intervals and availability

items of the instant claims. First, the examiner introduces the applicant's disclosure

which states that "one skilled in the art would appreciate that the single action orders

can be combined in various ways based on other factors, such as size of shipment and

intermediate-term availability" (page 12, lines 9-12). The examiner agrees with the

applicant's disclosure and notes that since Webber Jr. possesses the capability to

consolidate and schedule, it would have been an obvious matter of design choice to

include providing any number of variations on scheduling the combination, because the

applicant has not disclosed that limiting the scheduling and time periods to only those of

the instant claims solves any stated problem or is for any particular purpose and it

appears that the invention would perform equally well using different variations that

would suit the needs of the user at the moment.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 108-117,124,125,140-147,151-157, and 168-183 are rejected under 35

U.S.C. 103(a) as being unpatentable over Joseph et al (5,819,034) in view of Teper

et al (5,815,665) and further in view of Official Notice.

In regards to claim 108, Joseph discloses a method in a client system for

ordering an item, the method comprising:

receiving from a server system a client identifier of the client system; persistently

storing the client identifier at the client system. Joseph teaches receiving information

from a server system (col 7, lines 33-37) and storing information persistently for

transmittal to a server system (col 8, lines 52-60), but does not specifically mention that

the information saved in persistent storage that is received from the server system is an

identifier. Teper teaches providing a unique identifier to a user for later identifying a user

and mapping to a remote site where personal information of the user is kept (see

summary). It would have been obvious to a person having ordinary skill in the art to

include in Joseph storing an identifier which authorizes the use of personal information stored on a server as taught by Teper, because this would free up storage space on the client computer by storing information and programming on the server while still maintaining control of the data at the local client computer. This additional storage capacity could be used to increase the processing efficiency of the other programs that are running on the client.

when an item is to be ordered, displaying information identifying the item (col 8, lines 23-33) and displaying an indication of a single action that is to be performed to order the identified item. The combination of Joseph/Teper teaches performing a single action to process an order by pressing a button and having instructions displayed interactively (col 8, lines 14-67), but does not specifically mention displaying an indication that a single action is to be performed. It was old and well known in the art at the time of the invention to include instructions such as a display of an indication of a button to press to impose an executable action on a web page. It would have been obvious to a person having ordinary skill in the art to include in Joseph/Teper the displayed indication of what button to press to activate the order, because this would assure that the correct button was pushed to complete the order, thus reducing the frustration of the user by making the system easier to use. and

in response to the single action being performed, sending to the server system a request to order the identified item along with the client identifier (see discussion above concerning storage of an identifier and the appendage of client information with the purchase data, col 8, line 52- col 9, line 8) ,

the client identifier identifying account information previously supplied by a user

of the client system wherein the user does not need to log in to the server system when

ordering the item (Per discussion above the combination of Joseph/Teper teach

appending a stored identifier to gain access to personal information to automatically

access stored account information thus eliminating the need to input the authorization

each time the server is accessed); and

when account information is to be changed, coordinating the log in of the user to

the server system. The combination of Joseph/Teper teach accessing a server,

registering and providing personalized data which is later accessed (Teper col 6, lines

4-13), but does not specifically mention that the server system coordinates changes to

the stored data. It was old and well known in the art at the time of the invention to have

a remote storage site containing personal information authenticate users before

information could be changed. It would have been obvious to a person having ordinary

skill in the art at the time of the invention to include the coordination by the server of

changes to stored personal data, because authenticating the user would assure that

only the user that provided the information could change it, therefore, creating more

security of personal information and preventing others from stealing or manipulating the

otherwise secure data.

receiving updated account information (col 6, lines 4-13); and

sending the updated account information to the server system whereby the user

does not need to log in to the server system when ordering the item, but needs to log in

to the server system when changing previously supplied account information (see discussion above).

In regards to claim 109, Joseph teaches wherein the account information includes billing information (Teper col 6, lines 4-13).

In regards to claim 110, Joseph teaches wherein the account information includes shipping information (Teper col 6, lines 4-13).

In regards to claim 111, Joseph teaches wherein the client system and server system communicate via the Internet (Joseph, FIG 1 and Teper col 5, lines 17-32).

In regards to claim 112, Joseph teaches receiving from the server system a confirmation that the order was generated (col 8, lines 50 and 51).

In regards to claim 113, Joseph teaches wherein the single action is clicking a mouse button when a cursor is positioned over a predefined area of the displayed information. The combination of Joseph/Teper teaches inputting information (col 7, lines 10-15), but does not specifically mention that the inputting of the information is accomplished by clicking a mouse button when a cursor is positioned over a predefined area of the displayed information. Clicking a mouse button when a cursor is positioned over a predefined area of the displayed information was old and well known at the time

of the invention. It would have been obvious to a person having ordinary skill in the art to include in the combination of Joseph/Teper clicking a mouse button when a cursor is positioned over a predefined area of the displayed information, because this would provide an efficient means for inputting information and provide additional functionality to make the system more user friendly.

In regards to claim 114, Joseph teaches wherein the displaying includes displaying partial information supplied by the server system as to an identity of the user of the client system. Displaying partial information to protect the users personal information was old and well known in the art at the time of the invention. It would have been obvious to a person of ordinary skill in the art to include in the combination of Joseph/Teper, providing partial information, because providing only partial information has notoriously been known to protect the users identity and personal information from theft.

In regards to claim 115, Joseph teaches wherein the displaying includes displaying partial shipping information supplied by the server system. Displaying partial information to protect the users personal information was old and well known in the art at the time of the invention. It would have been obvious to a person of ordinary skill in the art to include in the combination of Joseph/Teper, providing partial information, because providing only partial information has notoriously been known to protect the users identity and personal information from theft.

In regards to claim 116, Joseph teaches wherein the displaying includes displaying partial payment information supplied by the server system. Displaying partial information to protect the users personal information was old and well known in the art at the time of the invention. It would have been obvious to a person of ordinary skill in the art to include in the combination of Joseph/Teper, providing partial information, because providing only partial information has notoriously been known to protect the users identity and personal information from theft.

In regards to claim 117, Joseph teaches wherein the item may alternatively be ordered using a shopping cart model. First, applicant's specification page 6, lines 23-26 purports, shopping cart technology is an admitted conventional system, the disclosure further purports, col 6, line 26 – col 7, line 1, that selectively including or excluding an alternative would be obvious. The examiner aggress with applicant that the use of shopping carts for electronic commerce was old and well known at the time of the invention. It would have been obvious to a person having ordinary skill in the art to include in Joseph/Teper the use of an alternative to one click shopping, because users may feel uncomfortable accomplishing the transaction without having the opportunity to review the transaction before submittal, therefore, including this alternative would increase the usage of the site by offering a shopping cart model to those who prefer using the conventional technology.

In regards to claim 124, Joseph teaches displaying an indication that the order for the item that is requested in response to performing the single action can be canceled within a time period (see response to new matter rejection above).

In regards to claim 125, Joseph teaches wherein the time period is 90 minutes.

In regards to claim 140, Joseph discloses a method in a client system for ordering an item, the method comprising:

receiving from a server system a client identifier of the client system;

persistently storing the client identifier at the client system;

displaying information identifying the item and displaying an indication of a single action that is to be performed to order the identified item;

in response to the single action being performed, sending to the server system a request to order the identified item along with the client identifier,

the client identifier identifying account information of a user; and

displaying an indication that the order for the item that is requested can be canceled within a time interval (see response to claim 1 and response to new matter rejection above).

In regards to claim 141, Joseph teaches wherein the time interval is 90 minutes (see response to claim 140).

In regards to claim 142, Joseph teaches wherein the client system and server system communicate via the Internet (Joseph, FIG 1 and Teper col 5, lines 17-32).

In regards to claim 143, Joseph teaches wherein the single action is clicking a mouse button when a cursor is positioned over a predefined area of the displayed information. The combination of Joseph/Teper teaches inputting information (col 7, lines 10-15), but does not specifically mention that the inputting of the information is accomplished by clicking a mouse button when a cursor is positioned over a predefined area of the displayed information. Clicking a mouse button when a cursor is positioned over a predefined area of the displayed information was old and well known at the time of the invention. It would have been obvious to a person having ordinary skill in the art to include in the combination of Joseph/Teper clicking a mouse button when a cursor is positioned over a predefined area of the displayed information, because this would provide an efficient means for inputting information and provide additional functionality to make the system more user friendly.

In regards to claim 144, Joseph teaches wherein the displaying includes displaying partial information supplied by the server system as to an identity of the user of the client system. Displaying partial information to protect the users personal information was old and well known in the art at the time of the invention. It would have been obvious to a person of ordinary skill in the art to include in the combination of Joseph/Teper, providing partial information, because providing only partial information

has notoriously been known to protect the users identity and personal information from

theft.

In regards to claim 145, Joseph teaches wherein the displaying includes

displaying partial shipping information supplied by the server system. Displaying partial

information to protect the users personal information was old and well known in the art

at the time of the invention. It would have been obvious to a person of ordinary skill in

the art to include in the combination of Joseph/Teper, providing partial information,

because providing only partial information has notoriously been known to protect the

users identity and personal information from theft.

In regards to claim 146, Joseph teaches wherein the displaying includes

displaying partial payment information supplied by the server system. Displaying partial

information to protect the users personal information was old and well known in the art

at the time of the invention. It would have been obvious to a person of ordinary skill in

the art to include in the combination of Joseph/Teper, providing partial information,

because providing only partial information has notoriously been known to protect the

users identity and personal information from theft.

In regards to claim 147, Joseph teaches wherein the item may alternatively be

ordered using a shopping cart model. First, applicant's specification page 6, lines 23-26

purports, shopping cart technology is an admitted conventional system, the disclosure

further purports, col 6, line 26 – col 7, line 1, that selectively including or excluding an alternative would be obvious. The examiner aggress with applicant that the use of shopping carts for electronic commerce was old and well known at the time of the invention. It would have been obvious to a person having ordinary skill in the art to include in Joseph/Teper the use of an alternative to one click shopping, because users may feel uncomfortable accomplishing the transaction without having the opportunity to review the transaction before submittal, therefore including this alternative would increase the usage of the site by offering a shopping cart model to those who prefer using the conventional technology.

In regards to claim 151, Joseph teaches a client system for ordering an item, comprising:

a component that receives from a server system a client identifier of the client system and that stores the client identifier persistently;

a component that orders an item by displaying information identifying the item along with an indication of a single action that is to be performed to order the identified item and by sending to the server system a request to order the identified item along with the client identifier,

the client identifier identifying account information previously supplied by a user wherein the user does not need to log in to the server system when ordering the item; and

a component that updates account information by coordinating the log in of the

user to the server system, receiving updated account information from the user, and

sending the updated account information to the server system (see response to claim

1).

In regards to claim 152, Joseph teaches wherein the account information

includes billing information (Teper col 6, lines 4-13).

In regards to claim 153, Joseph teaches wherein the account information

includes shipping information (Teper col 6, lines 4-13).

In regards to claim 154, Joseph teaches wherein the single action is clicking a

mouse button when a cursor is positioned over a predefined area of the displayed

information. The combination of Joseph/Teper teaches inputting information (col 7, lines

10-15), but does not specifically mention that the inputting of the information is

accomplished by clicking a mouse button when a cursor is positioned over a predefined

area of the displayed information. Clicking a mouse button when a cursor is positioned

over a predefined area of the displayed information was old and well known at the time

of the invention. It would have been obvious to a person having ordinary skill in the art

to include in the combination of Joseph/Teper clicking a mouse button when a cursor is

positioned over a predefined area of the displayed information, because this would

provide an efficient means for inputting information and provide additional functionality

to make the system more user friendly.

In regards to claim 155, Joseph teaches wherein the item may alternatively be

ordered using a shopping cart model. First, applicant's specification page 6, lines 23-26

purports, shopping cart technology is an admitted conventional system, the disclosure

further purports, col 6, line 26 – col 7, line 1, that selectively including or excluding an

alternative would be obvious. The examiner aggress with applicant that the use of

shopping carts for electronic commerce was old and well known at the time of the

invention. It would have been obvious to a person having ordinary skill in the art to

include in Joseph/Teper the use of an alternative to one click shopping, because users

may feel uncomfortable accomplishing the transaction without having the opportunity to

review the transaction before submittal, therefore including this alternative would

increase the usage of the site by offering a shopping cart model to those who prefer

using the conventional technology.

In regards to claim 156, Joseph teaches wherein the server system combines

multiple requests to order items into a single order (see response to claim 151, what is

known as common functionality in a shopping cart model).

In regards to claim 157, Joseph teaches displaying an indication that the order for the item that is requested in response to performing the single action can be canceled within a time period (see response to new matter rejection above).

In regards to claim 168, Joseph discloses a method in a computer system for ordering an item, the method comprising:

providing to a client system a client identifier for the client system,

the client identifier being associated with account information of a user and for persistent storage at the client system;

providing to the client system a display page identifying an item,

the display page including an indication of a single action that is to be performed to order the identified item and an indication that the order for the item can be canceled within a time interval (see response to new matter rejection above);

receiving from the client system an indication that the user performed the single action along with the client identifier; and

generating an order for the identified item using the account information associated with the received client identifier (see response to claim 1 and specification rejection above).

In regards to claim 169, Joseph teaches wherein the time interval is 90 minutes (see response to claim 168).

In regards to claim 170, Joseph teaches wherein the client system and server system communicate via the Internet (Joseph, FIG 1 and Teper col 5, lines 17-32).

In regards to claim 171, Joseph teaches wherein the single action is clicking a mouse button when a cursor is positioned over a predefined area of the displayed information. The combination of Joseph/Teper teaches inputting information (col 7, lines 10-15), but does not specifically mention that the inputting of the information is accomplished by clicking a mouse button when a cursor is positioned over a predefined area of the displayed information. Clicking a mouse button when a cursor is positioned over a predefined area of the displayed information was old and well known at the time of the invention. It would have been obvious to a person having ordinary skill in the art to include in the combination of Joseph/Teper clicking a mouse button when a cursor is positioned over a predefined area of the displayed information, because this would provide an efficient means for inputting information and provide additional functionality to make the system more user friendly.

In regards to claim 172, Joseph teaches wherein the display page includes information identifying the user (Teper, col 6, lines 30-35, user customization information).

In regards to claim 173, Joseph teaches wherein the displaying includes displaying partial shipping information supplied by the server system. Displaying partial information to protect the users personal information was old and well known in the art at the time of the invention. It would have been obvious to a person of ordinary skill in the art to include in the combination of Joseph/Teper, providing partial information, because providing only partial information has notoriously been known to protect the users identity and personal information from theft.

In regards to claim 174, Joseph teaches wherein the displaying includes displaying partial payment information supplied by the server system. Displaying partial information to protect the users personal information was old and well known in the art at the time of the invention. It would have been obvious to a person of ordinary skill in the art to include in the combination of Joseph/Teper, providing partial information, because providing only partial information has notoriously been known to protect the users identity and personal information from theft.

In regards to claim 175, Joseph teaches wherein the item may alternatively be ordered using a shopping cart model. First, applicant's specification page 6, lines 23-26 purports, shopping cart technology is an admitted conventional system, the disclosure further purports, col 6, line 26 – col 7, line 1, that selectively including or excluding an alternative would be obvious. The examiner aggress with applicant that the use of shopping carts for electronic commerce was old and well known at the time of the

invention. It would have been obvious to a person having ordinary skill in the art to include in Joseph/Teper the use of an alternative to one click shopping, because users may feel uncomfortable accomplishing the transaction without having the opportunity to review the transaction before submittal, therefore including this alternative would increase the usage of the site by offering a shopping cart model to those who prefer using the conventional technology.

In regards to claim 176, Joseph discloses a method in a computer for ordering an item, the method comprising:

providing to a client system a client identifier for the client system,

the client identifier being associated with account information of a user and for persistent storage at the client system;

when an item is to be ordered, providing to the client system a display page identifying an item,

the display page including an indication of a single action that is to be performed to order the identified item;

receiving from the client system an indication that the user performed the single action along with the client identifier; and

generating an order for the identified item using the account information associated with the received client identifier wherein the user does not need to log in to the computer system to order the item; and

when account information is to be changed, coordinating the log in of the user to

the computer system;

receiving from the client system updated account information; and

updating the account information associated with the client identifier of the

logged in user based on the received updated account information (see response to

claim 1 and specification objection above concerning display pages).

In regards to claim 177, Joseph teaches wherein the account information

includes billing information (Teper col 6, lines 4-13).

In regards to claim 178, Joseph teaches wherein the account information

includes shipping information (Teper col 6, lines 4-13).

In regards to claim 179, Joseph teaches wherein the client system and server

system communicate via the Internet (Joseph, FIG 1 and Teper col 5, lines 17-32).

In regards to claim 180, Joseph teaches wherein the single action is clicking a

mouse button when a cursor is positioned over a predefined area of the displayed

information. The combination of Joseph/Teper teaches inputting information (col 7, lines

10-15), but does not specifically mention that the inputting of the information is

accomplished by clicking a mouse button when a cursor is positioned over a predefined

area of the displayed information. Clicking a mouse button when a cursor is positioned

over a predefined area of the displayed information was old and well known at the time

of the invention. It would have been obvious to a person having ordinary skill in the art

to include in the combination of Joseph/Teper clicking a mouse button when a cursor is

positioned over a predefined area of the displayed information, because this would

provide an efficient means for inputting information and provide additional functionality

to make the system more user friendly.

In regards to claim 181, Joseph teaches wherein the displaying includes

displaying partial shipping information supplied by the server system. Displaying partial

information to protect the users personal information was old and well known in the art

at the time of the invention. It would have been obvious to a person of ordinary skill in

the art to include in the combination of Joseph/Teper, providing partial information,

because providing only partial information has notoriously been known to protect the

users identity and personal information from theft.

In regards to claim 182, Joseph teaches wherein the displaying includes

displaying partial payment information supplied by the server system. Displaying partial

information to protect the users personal information was old and well known in the art

at the time of the invention. It would have been obvious to a person of ordinary skill in

the art to include in the combination of Joseph/Teper, providing partial information,

because providing only partial information has notoriously been known to protect the

users identity and personal information from theft.

In regards to claim 183, Joseph teaches wherein the item may alternatively be ordered using a shopping cart model. First, applicant's specification page 6, lines 23-26 purports, shopping cart technology is an admitted conventional system, the disclosure further purports, col 6, line 26 – col 7, line 1, that selectively including or excluding an alternative would be obvious. The examiner aggress with applicant that the use of shopping carts for electronic commerce was old and well known at the time of the invention. It would have been obvious to a person having ordinary skill in the art to include in Joseph/Teper the use of an alternative to one click shopping, because users may feel uncomfortable accomplishing the transaction without having the opportunity to review the transaction before submittal, therefore including this alternative would increase the usage of the site by offering a shopping cart model to those who prefer using the conventional technology.

Claims 118-123,126-139,148-150 and 158-167 are rejected under 35 U.S.C. 103(a) as being unpatentable over Joseph et al (5,819,034) in view of Teper et al (5,815,665) in view of Official Notice and further in view of Webber, Jr. (6,167,378).

In regards to claims 118-123, 127-131, 148-150 and 159-163 the combination of Joseph/Teper teaches placing single action orders over an electronic network, but does

not specifically mention that the orders are combined. Webber, Jr. teaches a method

and system for consolidating orders after orders have been placed by the user (col 10,

lines 40-45). It would have been obvious to a person having ordinary skill in the art at

the time of the invention to include in Joseph/Teper the consolidation capability as

taught by Webber, Jr., because this would facilitate increased optimization by better

controlling inventory and shipping costs. The combination of Joseph/Teper/Webber, Jr.

further teaches consolidating shipments and computational capabilities to track,

schedule and consolidate shipments, but does not specifically mention all the time

intervals and availability items of the instant claims. First, the examiner introduces the

applicant's disclosure which states that "one skilled in the art would appreciate that the

single action orders can be combined in various ways based on other factors, such as

size of shipment and intermediate-term availability" (page 12, lines 9-12). The examiner

agrees with the applicant's disclosure and notes that since Webber Jr. possesses the

capability to consolidate and schedule, it would have been an obvious matter of design

choice to include providing any number of variations in the combination of orders that

scheduling would permit, because the applicant has not disclosed that limiting the

scheduling and time periods to only those of the instant claims solves any stated

problem or is for any particular purpose and it appears that the invention would perform

equally well using different variations that would suit the needs of the user or the

moment.

In regards to claim 126, Joseph discloses a method in a client system for

ordering items, the method comprising:

receiving from a server system a client identifier of the client system; persistently

storing the client identifier at the client system; and

for each of a plurality of items displaying information identifying the item and

displaying an indication of a single action that is to be performed to order the identified

item; and

in response to the single action being performed, sending to the server system a

request to order the identified item and the client identifier, the client identifier identifying

account information of a user wherein the server computer automatically combines

orders into a single order see response to claim 1 and discussion above).

In regards to claim 132, Joseph teaches wherein the client system and server

system communicate via the Internet (Joseph, FIG 1 and Teper col 5, lines 17-32).

In regards to claim 133, Joseph teaches wherein the single action is clicking a

mouse button when a cursor is positioned over a predefined area of the displayed

information. The combination of Joseph/Teper teaches inputting information (col 7, lines

10-15), but does not specifically mention that the inputting of the information is

accomplished by clicking a mouse button when a cursor is positioned over a predefined

area of the displayed information. Clicking a mouse button when a cursor is positioned

over a predefined area of the displayed information was old and well known at the time

of the invention. It would have been obvious to a person having ordinary skill in the art
to include in the combination of Joseph/Teper clicking a mouse button when a cursor is
positioned over a predefined area of the displayed information, because this would
provide an efficient means for inputting information and provide additional functionality
to make the system more user friendly.

In regards to claim 134, Joseph teaches wherein the displaying includes
displaying partial information supplied by the server system as to an identity of the user
of the client system. Displaying partial information to protect the users personal
information was old and well known in the art at the time of the invention. It would have
been obvious to a person of ordinary skill in the art to include in the combination of
Joseph/Teper, providing partial information, because providing only partial information
has notoriously been known to protect the users identity and personal information from
theft.

In regards to claim 135, Joseph teaches wherein the displaying includes
displaying partial shipping information supplied by the server system. Displaying partial
information to protect the users personal information was old and well known in the art
at the time of the invention. It would have been obvious to a person of ordinary skill in
the art to include in the combination of Joseph/Teper, providing partial information,
because providing only partial information has notoriously been known to protect the
users identity and personal information from theft.

In regards to claim 136, Joseph teaches wherein the displaying includes displaying partial payment information supplied by the server system. Displaying partial information to protect the users personal information was old and well known in the art at the time of the invention. It would have been obvious to a person of ordinary skill in the art to include in the combination of Joseph/Teper, providing partial information, because providing only partial information has notoriously been known to protect the users identity and personal information from theft.

In regards to claim 137, Joseph teaches wherein the item may alternatively be ordered using a shopping cart model. First, applicant's specification page 6, lines 23-26 purports, shopping cart technology is an admitted conventional system, the disclosure further purports, col 6, line 26 – col 7, line 1, that selectively including or excluding an alternative would be obvious. The examiner aggress with applicant that the use of shopping carts for electronic commerce was old and well known at the time of the invention. It would have been obvious to a person having ordinary skill in the art to include in Joseph/Teper the use of an alternative to one click shopping, because users may feel uncomfortable accomplishing the transaction without having the opportunity to review the transaction before submittal, therefore including this alternative would increase the usage of the site by offering a shopping cart model to those who prefer using the conventional technology.

In regards to claim 138, Joseph teaches displaying an indication that the order

for the item that is requested in response to performing the single action can be

canceled within a time period (see response to new matter rejection above).

139.   (Previously presented) The method of claim 138 wherein the-time period

is 90 minutes (see response to claim 138).

158. (Previously presented) A method in a computer system for ordering items,

the method comprising:

providing to a client system a client identifier for the client system,

the client identifier being associated with account information of a user and for

persistent storage at the client system;

for each of one or more items, providing to the client system a display page

identifying an item,

the display page including an indication of a single action that is to be performed

to order the identified item; and

receiving from the client system a request to order the identified item,

the request including the client identifier; and

automatically generating a single order for the identified items of the one or more

received requests for items

wherein the user does not need to specify that the identified items are to

combined into a single order (see response to claim 1 and claim 126).

In regards to claim 164, Joseph teaches wherein the single action is clicking a mouse button when a cursor is positioned over a predefined area of the displayed information. The combination of Joseph/Teper teaches inputting information (col 7, lines 10-15), but does not specifically mention that the inputting of the information is accomplished by clicking a mouse button when a cursor is positioned over a predefined area of the displayed information. Clicking a mouse button when a cursor is positioned over a predefined area of the displayed information was old and well known at the time of the invention. It would have been obvious to a person having ordinary skill in the art to include in the combination of Joseph/Teper clicking a mouse button when a cursor is positioned over a predefined area of the displayed information, because this would provide an efficient means for inputting information and provide additional functionality to make the system more user friendly.

In regards to claim 165, Joseph teaches wherein the item may alternatively be ordered using a shopping cart model. First, applicant's specification page 6, lines 23-26 purports, shopping cart technology is an admitted conventional system, the disclosure further purports, col 6, line 26 – col 7, line 1, that selectively including or excluding an alternative would be obvious. The examiner aggress with applicant that the use of shopping carts for electronic commerce was old and well known at the time of the invention. It would have been obvious to a person having ordinary skill in the art to include in Joseph/Teper the use of an alternative to one click shopping, because users

may feel uncomfortable accomplishing the transaction without having the opportunity to review the transaction before submittal, therefore including this alternative would increase the usage of the site by offering a shopping cart model to those who prefer using the conventional technology.

In regards to claim 166, Joseph teaches wherein the display page indicates that the order can be canceled within a certain time interval (see response to new matter rejection above).

In regards to claim 167, Joseph teaches wherein the single action is clicking a mouse button when a cursor is positioned over a predefined area of the displayed information. The combination of Joseph/Teper teaches inputting information (col 7, lines 10-15), but does not specifically mention that the inputting of the information is accomplished by clicking a mouse button when a cursor is positioned over a predefined area of the displayed information. Clicking a mouse button when a cursor is positioned over a predefined area of the displayed information was old and well known at the time of the invention. It would have been obvious to a person having ordinary skill in the art to include in the combination of Joseph/Teper clicking a mouse button when a cursor is positioned over a predefined area of the displayed information, because this would provide an efficient means for inputting information and provide additional functionality to make the system more user friendly.

Response to Arguments

Applicant's arguments with respect to claim108-183 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Mark Fadok** whose telephone number is **(703) 605-4252**. The examiner can normally be reached Monday thru Thursday 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Vincent Millin** can be reached on **(703) 308-1065**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Receptionist** whose telephone number is **(703) 308-1113**.

Any response to this action should be mailed to:

Commissioner for Patents

P.O. Box 1450

Alexandria, Va. 22313-1450

or faxed to:

(703) 872-9306   [Official communications; including
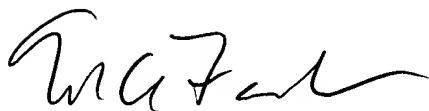
After Final communications labeled

"Box AF"]

(703) 746-7206 [Informal/Draft communications, labeled

"PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal

Drive, Arlington, VA, 7th floor receptionist.

Mark Fadok

Patent Examiner